

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CEDRIC BELL,

Plaintiff,

Case No. 20-cv-10193

Hon. Matthew F. Leitman

v.

STATE OF MICHIGAN
ADMINISTRATIVE BOARD
OF CLAIMS, *et al.*,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 168) AND (2) GRANTING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (ECF No. 147)**

In this action, Plaintiff Cedric Bell alleges that he received inadequate medical care while he was a state inmate in the custody of the Michigan Department of Corrections (the “MDOC”). (*See* Sec. Am. Compl., ECF No. 16.) Now pending before the Court is a motion for summary judgment that MDOC employees Jeffrey White, Christopher Nethercott, and Debrah Marine have filed. (*See* Mot., ECF No. 147.) Those Defendants argue that Bell cannot proceed on his claims against them because Bell failed to exhaust those claims through the MDOC’s internal grievance procedures. (*See id.*)

On January 18, 2024, the assigned Magistrate Judge issued a Report and Recommendation in which he recommended that the Court grant Defendants’

motion and dismiss Bell's claims against White, Nethercott, and Marine with prejudice due to his failure to exhaust those claims (the "R&R"). (*See* R&R, ECF No. 168.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.1720-1721.) Bell thereafter filed a motion to extend the time for him to file objections to the R&R, and the Court granted that motion. (*See* Mot., ECF No. 170; Order ECF No. 171.) Following the entry of that order, Bell's objections were due no later than April 22, 2024.

As of the date of this order, May 1, 2024, Bell has not filed any objections to the R&R. Nor has Bell contacted the Court seeking additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (where party fails to file "timely objections" to report and recommendation, court may accept that recommendation "without expressing any view on the merits of the magistrate's conclusions"). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Bell has not filed any objections to the R&R even after the Court extended the time for him to do so, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of the Defendants' motion for summary judgment is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment (ECF No. 147) is **GRANTED**. Bell's claims against Defendants White, Nethercott, and Marine are **DISMISSED WITH PREJUDICE**. In addition, because the Court has granted Defendants' motion for summary judgment, the Court **TERMINATES** Bell's motion to disclose medial records (ECF No. 169) as **MOOT**.

Finally, the only Defendant remaining in this action is now Defendant Corizon Health, Inc. Because Corizon has declared bankruptcy pursuant to Chapter 11 of the Bankruptcy Code, the claims against Corizon are **STAYED**. (*See* Notice, ECF No. 134, citing 11 U.S.C. § 362(a)). Counsel for Corizon shall promptly inform the Court when Corizon's bankruptcy proceedings are resolved.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 1, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 1, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126